

LEVI & KORSINSKY, LLP
Adam M. Apton (SBN 316506)
Adam C. McCall (SBN 302130)
75 Broadway, Suite 202
San Francisco, CA 94111
Tel.: (415) 373-1671
Email: aapton@zlk.com
amccall@zlk.com

Attorneys for Plaintiff and Counsel for the Class

[Additional Counsel on Signature Block]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
(ECF No. 454)**

Defendants' Administrative Motion to File Under Seal (ECF No. 454) asks that they be allowed to file Exhibits 44, 45, 46, and 47 under seal. These exhibits contain email correspondence reflecting internal communications by/between third party shareholders. The sealing of these materials was already before the Court in connection with the summary judgment briefing filed earlier this year. *See* ECF No. 429 at 6-8. The Court granted Defendants' motion to seal at that time. *See* ECF No. 432.

Notwithstanding the Court's prior order sealing, Plaintiff respectfully maintains that Exhibits 44 through 47 should not be sealed because *inter alia* it does not contain trade secrets or personal information, relates to a transaction dating back to 2018, and otherwise does not meet the requirements for sealing. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003).

1 Dated: July 11, 2022

Respectfully submitted,

2 **LEVI & KORSINSKY, LLP**

3 s/ Adam M. Apton

4 Adam M. Apton (SBN 316506)
5 Adam C. McCall (SBN 302130)
6 75 Broadway, Suite 202
7 San Francisco, CA 94111
8 Tel.: (415) 373-1671
9 Email: aapton@zlk.com
10 Email: amccall@zlk.com

11 -and-

12 Nicholas I. Porritt
13 Elizabeth K. Tripodi
14 Alexander A. Krot III
15 LEVI & KORSINSKY, LLP
16 1101 30th Street N.W., Suite 115
17 Washington, D.C. 20007
18 Tel.: (202) 524-4290
19 Email: nporritt@zlk.com
20 Email: akrot@zlk.com
21 (admitted pro hac vice)

22 -and-

23 Joseph Levi
24 Eduard Korsinsky
25 LEVI & KORSINSKY, LLP
26 55 Broadway, 10th Floor
27 New York, New York 10006
28 Tel.: (212) 363-7500
Fax: (212) 363-7171
Email: jlevi@zlk.com
Email: ek@zlk.com
(admitted pro hac vice)

Attorneys for Plaintiff and Counsel for the Class